

**AFFIDAVIT**

I, Detective H.W. Long, being duly sworn, depose and state as follows:

**INTRODUCTION**

1. I am a Detective with the Raleigh County Sheriff's Office. I have been employed with the Raleigh County Sheriff's Office since November 2012. As part of my current assignment, I am responsible for investigating crimes involving the sexual exploitation of children, which are violations of state and federal law. I am a member of the West Virginia Internet Crimes Against Children Task Force and have been since 2017. I am currently a member of the FBI Violent Crimes against Children (VCAC) Task Force. I have been assigned to the VCAC Task Force since approximately 2019, and as such have assisted in multiple investigations with the task force. The VCAC task force conducts investigations into child exploitation, child pornography, sexual assaults, sexual abuse and human trafficking.

2. I make this affidavit in support of an application for a criminal complaint against THOMAS JOHN MILLS, age 36, charging him with a violation of 18 U.S.C. §§ 2251(a) and (e). That statute makes it illegal for any person to employ, use, persuade, induce, entice, or coerce any minor to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such

conduct if such person knows or has reason to believe that such visual depiction will be transmitted using a means or facility of interstate commerce.

3. The information contained in this affidavit is based upon my direct knowledge from the investigation and information I obtained from other law enforcement officers involved in this investigation.

4. Since this affidavit is being submitted for the limited purpose of establishing probable cause, I have attempted to summarize the most relevant facts that establish the requisite probable cause. Therefore, I have not included each and every fact of this investigation. Additionally, where conversations or statements are related herein, they are set forth in substance and in pertinent part.

#### **BACKGROUND OF INVESTIGATION**

5. On or about October 26, 2020, an individual ("Witness 1") provided to law enforcement a cell phone he understood to belong to THOMAS JOHN MILLS. Witness 1 reported that he had received the phone from his tenant ("Witness 2"), who lived with MILLS. Witness 2 stated that MILLS had allowed Witness 2 to borrow the phone. At the time, MILLS and Witness 2 were residing at or near Beckley, Raleigh County, West Virginia. While using the phone Witness 2 discovered nude images and videos of a person he knew to

be a minor relative of MILLS (hereinafter "Minor Female 1"). Witness 2 advised that the images he saw on the phone included images that appeared to graphically depict Minor Female 1 masturbating and images that appeared to be screenshots from a live video chat due to a small inset box in the corner of the screenshots depicting an image of MILLS. Witness 2 advised that the images appeared to be both on the phone and in MILLS's Google account.

6. Minor Female 1 was identified as a minor living in Raleigh County, West Virginia. In an interview of Minor Female 1 in October 2020, she indicated that she was 15 years old. Minor Female 1 stated that she had known MILLS and he had been a member of her family since she was approximately 8 years old. Minor Female 1 admitted that MILLS had begun to sexually abuse her beginning in approximately February 2019. Specifically, MILLS abused Minor Female 1 through engaging in sexual intercourse with her on multiple occasions beginning when she was 13-years-old and continuing after she turned 14. Minor Female 1 indicated that MILLS threatened to tell others that she was pursuing him if she refused to participate or told anyone about the abuse.

7. This sexual abuse continued until MILLS was arrested and incarcerated in October 2019 for assault based upon him striking Minor Female 1 several times with a belt, leaving physical injury.

According to Southern Regional Jail, MILLS was in the jail from October 18, 2019 through March 10, 2020.

8. Once MILLS was released from jail, he began contacting Minor Female 1 both through her cell phone and via Facebook Messenger. According to Minor Female 1's statement, MILLS apologized to her and begged her to forgive him. During these conversations, Minor Female 1 refused to comply with MILLS's request for her to sneak out to meet with him, at which point MILLS began asking her to send sexually explicit photographs and videos to him. He would specifically describe what he wanted her to do in the pictures, including requesting her to take and send nude images of her vagina. Minor Female 1 also stated that she had engaged in live video chats with MILLS during which she engaged in sexually explicit conduct, including showing her nude vagina and masturbating, at his direction; she believed he would screenshot images from these live videos due to her phone alerting her when screenshots of the video were taken.

9. Law enforcement obtained a search warrant to forensically examine the phone provided to them by Witness 1. This review revealed information in the account confirming that the phone was utilized by MILLS, including applications in his name, photographs depicting MILLS, and a conversation in the TextNow app between MILLS and Minor Female 1. A Google account on the phone

also contained images stored locally on the phone that could be viewed without connecting to the Google servers online. Some of these images depicted Minor Female 1 and other images that depicted a nude female (without a face in the photographs).

10. In December 2020, Minor Female 1 was shown several of the photographs located on MILLS's phone (sanitized to redact explicit portions) and she identified several of these sexually explicit images as depicting her. Minor Female 1 also provided to law enforcement items of clothing she was depicted wearing in some of the photographs. Minor Female 1 also identified MILLS in photographs.

11. A search warrant was obtained for the full content of the Gmail account located on MILLS's cell phone. Those results revealed additional videos depicting Minor Female 1 engaged in sexually explicit conduct, including masturbation.

#### **CONCLUSION**

12. Based upon the information provided above, your affiant alleges that there exists probable cause to believe that THOMAS JOHN MILLS knowingly violated 18 U.S.C. §§ 2251(a) and (e), in that between March 10, 2020 and October 2020, he knowingly attempted to persuade, induce, or entice a 15-year-old girl, Minor Female 1, to engage in sexually explicit conduct, that is,

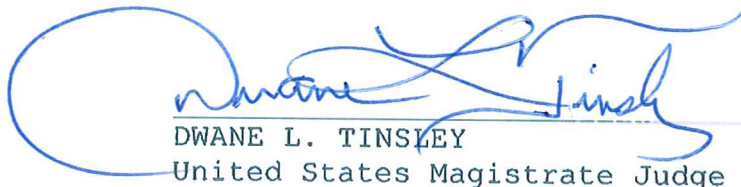


masturbation and the lewd and lascivious exhibition of the genitals, for the purpose of producing a visual depiction of such conduct. As MILLS received these visual depictions through use of cellular networks and the Internet, he knew they were transmitted via a means and facility of interstate commerce.



H.W. Long  
Detective  
Raleigh County Sheriff's Office

Signed and sworn to by telephonic means this 26<sup>th</sup> day of April, 2021.

  
DWANE L. TINSLEY  
United States Magistrate Judge